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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ART UNIT	PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/802,504
Filing Date: March 09, 2001
Appellant(s): BLANCO, VICTOR KEITH

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Group 3700

Steven R. Sponseller
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 26, 2005 appealing from the Office action mailed August 11, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-7, 9, 10, 12-16, 21-26, 28-31, 35-44, 47-50, and 52-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U.S. 5,978,920).

Lee discloses a computer (game) system having a function of interrupting lewd/violent programs which includes a read-only-memory for storing an initialization program and a security grade setup program; a non-volatile memory device for storing a security grade which is a program classification code selected by a user (parent) for designating an unacceptable program content contained in an application program, and a password for identifying the user (parent) when changing the security grade; and a controller for controlling execution of an application program according to the security grade of the application program and the security grade stored in the non-volatile memory device during initialization, and for controlling the changing of the security grade stored in the non-volatile memory device during the security grade setup, when the user (parent) inputs a password that corresponds to the password stored in the non-volatile memory device. As a result, the computer (game) system is able to limit access to application programs that contain unacceptable levels of graphic sex, violence, and strong language (Abstract, Figs. 1-5, Column 2, line 25-Column 3, line 16, Column 3, line 47-Column 4, line 43, Column 5, lines 6-30, Column 6, line 53-Column 7,

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line 20). Furthermore, Lee further encompasses other media types such as television programs, etc.

(Column 7, lines 7-32). Lee additionally discloses:

Regarding Claims 1, 43, 44, and 53-55:

A game console comprising:

- a memory (security grade memory (17)) to store a plurality of parental control settings (graphic sex, violence, and strong language), wherein the plurality of parental control settings are associated with different media types (game programs and television programs) (Figures 2 and 3, Column 5, lines 6-30, and Column 7, lines 21-35);
- a media reader (Hard Disk Drive 36 and CD-ROM 37) to read content from the different media types (game and television programs) (Figure 2 and Column 4, lines 20-33);
- a processor (CPU 11) coupled to the memory and the media reader, wherein the processor allows performance of the content read by the media reader if the parental control setting corresponding to the media type of the content being read is satisfied (Figure 4 and Column 2, line 64-Column 3, line 7).

Regarding Claims 5, 14, 24, 30, 36, 39, and 48:

- wherein one of the plurality of parental control settings is associated with game content (Column 2, lines 25-37, Column 5, lines 5-30, and Column 7, lines 21-35). The parental control settings are associated with game content and television content which both have audio content.

Regarding Claims 6, 15, 25, 30, 36, 39, and 48:

- wherein one of the plurality of parental control settings is associated with audio content (Column 2, lines 25-37, Column 5, lines 5-30, and Column 7, lines 21-35). The parental

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control settings are associated with game content and television content which both have audio content.

Regarding Claims 7, 16, 26, 30, 36, 39, and 48:

- wherein one of the plurality of parental control setting is associated with video content (Column 2, lines 25-37, Column 5, lines 5-30, and Column 7, lines 21-35). The parental control settings are associated with game content and television content which both have audio content.

Regarding Claims 9, 41, 42, and 50:

- wherein the memory comprises a hard disk drive/non-removable memory device/optical disk reader (36) (Figure 2 and Column 4, lines 20-33).

Regarding Claims 10 and 29:

- wherein a console application executable on the processor presents a user interface (a program that accepts parents inputs to change a security grade) that allows entry of at least one parental control setting (Figure 5 and Column 6, line 59-Column 7, line 6).

Regarding Claims 12, 31, 37, 40, and 49:

- wherein a console application executable on the processor presents a user interface (a program that accepts parents inputs to change a security grade) that allows entry of a password (secret number-Step S22) associated with at least one parental control setting (Figure 5 and Column 6, line 59-Column 7, line 6).

Regarding Claims 13, 22, 23, 28, 35, 38, 47, 52, 56, and 57:

A method/computer-readable media comprising instructions:

- identifying content from among each of a plurality of different media types to be executed on a game console and a corresponding rating thereof (Column 7, lines 21-40)

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Inherently, in order to further construct the computer system to serve as a television receiver in addition to a game system, then the application program would have to be able to distinguish between the different media types in order to apply the security grade application program;

- identifying a parental control setting (graphic sex, violence, and strong language) stored in the game console/non-removable memory for the media type of the identified content (game programs and television programs) (Figures 2 and 3, Column 5, lines 6-30, and Column 7, lines 21-35);
- analyzing the content to be executed on the game console using the media type thereof and the parental control setting of the media type (Figure 4 and Column 2, line 64-Column 3, line 7); and
- executing the content on the game console if the rating of the identified content satisfies the parental control setting (Figure 4 and Column 2, line 64-Column 3, line 7).

Regarding Claim 21:

- further including generating a message (error message) indicating unacceptable content if the content does not satisfy the parental control setting (Column 3, lines 1-7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 8, 11, 17-18, 27, 32-34, 45-46, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. 5,978,920).

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Lee discloses to one of ordinary skill in the art that as discussed above regarding claims 1, 5-7, 9, 10, 12-16, 21-26, 28-31, 35-44, 47-50, and 52-57. However, Lee seems to lack explicitly disclosing:

Regarding Claims 2, 17, 45, 46, and 51:

- wherein the media reader is a broadband connectivity component for receiving and reading the plurality of different kinds of media types from an online source.

Regarding Claim 3:

- wherein one of the plurality of parental control settings is associated with a rating system used in a country for which the game console is configured.

Regarding Claims 4, 17, 18, and 27:

- wherein the kind of media type that the media reader reads is online data having a rating for the online data.

Regarding Claims 8 and 11:

- wherein one of the plurality of parental control settings is associated with online content.

Regarding Claim 32:

- a range indicator that identifies a range of content restriction levels that may be used by the game console for a variety of different media types; and
- a control movable relative to the range indicator to select a particular content restriction level corresponding to each said media type.

Regarding Claim 33:

- further comprising a first display region to identify a particular media type that may be played by the game console, the range indicator being adapted to identify ranges of content restriction levels for the media type identified in the first display region.

Regarding Claim 34:

- further comprising a second display region to identify a summary of the content restriction for the currently selected content restriction level.

Regarding Claims 2, 4, 8, 11, 17, 18, 27, 45, 46, and 51, Lee provides an interface for downloading and executing programs downloaded via a network (such as the Internet) by means of an external modem, wherein the application program is inserted into the computer system by way of a CD-ROM drive (37) or other available means at step (11). At the time of Lee's invention, downloading programs from the Internet, was notoriously well known as "other available means" for providing game programs for a computer system (Column 4, lines 64-65, and Column 6, lines 34-35).

Regarding Claims 32, 33, and 34, Lee discloses a security grade of the application program wherein a parent can input a password (secret number) and modify the security grade settings. It would have been obvious to one having ordinary skill in the art at the time of Appellant's invention to program Lee's application program into a graphical user interface such that a parent could modify settings via a click of a mouse on a graphical display. One would be motivated to do so because this would make the process of modifying the security grade settings much easier making it more likely that the application program would be utilized to limit access to lewd/violent programs.

Regarding Claim 3, it would have been obvious at the time of Appellant's invention to utilize parental control settings associated with a rating system used in a country for which the game console is configured. One would be motivated to do so because a parent would be more likely to utilize the parental control settings if the rating system is familiar, rather than foreign, thereby making it more likely the parent would configure the settings to limit access to lewd/violent programs.

(10) Response to Argument

Regarding claims 1, 5-7, 9, 10 and 12, Appellant alleges, the Lee reference fails to disclose "a memory to store a plurality of parental control settings ... associated with different media types" as recited in claim 1. Appellant alleges Lee fails to disclose multiple security grades associated with different media types. Further, Appellant alleges Lee makes no reference to different media types. However, the Examiner respectfully disagrees. The Examiner asserts Lee discloses these features. In particular, Lee discloses, "it will be understood by those skilled in the art that various changes and modifications may be made, and equivalents may be substituted for elements thereof without departing from the true scope of the present invention. For example, if the computer system is further constructed to serve as a television receiver, then the application program can also encompass television programs that carry different program classification codes (multiple parental control settings) for different levels of graphic sex, violence, and strong language." (Column 7, lines 23-32) (***Emphasis added***). Therefore, Lee's computer system can encompass, in addition to game program media, television programs that have different program classification codes (multiple parental control settings).

Additionally, Appellant alleges an application program (game program) and a television program are not different media types, but rather refer, to different content. The examiner respectfully disagrees. For instance, a game program can be introduced to the computer game system via a game CD, whereas, the television program can be from a cable connection to the computer game system. Hence, Lee discloses different media types.

Regarding claims 13-16 and 21-22, Appellant makes the same arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

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Regarding claims 23-26 and 28, Appellant makes the same arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding claims 29-31, Appellant makes the same arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Furthermore, Appellant alleges the Lee reference fails to disclose "a parental control settings menu accessible from the main menu to allow a user to set various content restrictions for each of the different media types that may be played by the game console." as recited in claim 29. The Examiner respectfully disagrees. As discussed in the rejection, regarding claim 29, Lee discloses a console application executable on the processor presents a user interface (a program that accepts parents inputs to change a security grade) that allows entry of at least one parental control setting (Figure 5 and Column 6, line 59-Column 7, line 6).

Regarding claims 35-37, Appellant makes the same arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding claims 38-44, Appellant makes the same arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding claims 47-50, Appellant makes the same arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding claims 52-57, Appellant makes similar arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding the rejection under 35 U.S.C. §103(a) over U.S. Patent No. 5,978,920 to Lee, Appellant makes similar arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12 with regards to claims 2-4, 8, and 11. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding claims 17 and 18, Appellant makes similar arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding Claim 27, Appellant makes similar arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding claims 45 and 46, Appellant makes similar arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding Claim 51, Appellant makes similar arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

Regarding claims 32-34, Appellant makes similar arguments as presented above with regards to claims 1, 5-7, 9, 10 and 12. Please see the argument above regarding claims 1, 5-7, 9, 10 and 12.

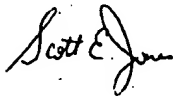
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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